



# What Is A Sunset Review?

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A sunset review is an evaluation of the need for the continued existence of a program or an agency. It allows for an assessment of the effectiveness and performance of the program or agency. The review yields a recommendation to either (1) retain the program or agency as is; (2) modify the program or agency; or (3) allow the program or agency to terminate, including the repeal of the relevant statutes.

## Who Conducts Sunset Reviews?

The Joint Legislative Audit & Review Committee (JLARC) conducts these reviews.

## What Triggers a Sunset Review?

A sunset review is triggered when a bill adds sections to Chapter 43.131 RCW. A bill scheduling a sunset consists of two sections: one section that terminates the program or agency in a specified year, and a second section that repeals the underlying statutes the following year. Note that a sunset review is triggered even though there is no express direction in the two sections for JLARC to conduct such a review (see example on reverse side).

## What Criteria Are Used in the Reviews?

The criteria are specified in RCW 43.131.071, which calls for review of the extent to which an entity:

- Has complied with legislative intent;
- Is operating in an efficient and economical manner which results in optimum performance;
- Is operating in the public interest by controlling costs;
- Duplicates the activities of other entities or of the private sector; and
- Is meeting performance measures.

The review also examines the possible impact of the termination or the modification of the entity.

## What Is an Appropriate Date to Choose for a Sunset Review?

You want to allow a new program or an agency to operate long enough to generate actual outcomes. RCW 43.131.061 identifies a minimum of seven years.

## How Should I Draft Legislation if the Requestor Wants a Program or Agency to Terminate Without a Sunset Review?

**Please don't add sections to the sunset chapter!** You have some options to direct a section of law to expire or to terminate. You can include this direction within a particular section, or you can include a separate section that calls for a set of other sections to expire. For example, RCW 43.131.900 calls for the sunset review provisions to expire in 2015.

Another option is to include repealers of one or more section of law. There are some legal distinctions between a statute expiring and a statute being repealed. The attorneys in the Code Reviser's Office can help you determine which approach is appropriate for your situation.

## Where Can I Get More Information?

Legislative Auditor Ruta Fanning  
786-5175    [fanning.ruta@leg.wa.gov](mailto:fanning.ruta@leg.wa.gov)

Code Reviser's Office  
786-6777

Code Reviser's Bill Drafting Guide  
(see reverse side for more detail)

An example of language from a bill that triggers a sunset review in the future:

**RCW 43.131.389**  
**Office of public defense — Termination.**

The office of public defense and its powers and duties shall be terminated on June 30, 2008, as provided in RCW 43.131.390.

[1998 c 108 § 2; 1996 c 221 § 7.]

**RCW 43.131.390**  
**Office of public defense — Repeal.**

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2009:

- (1) RCW 2.70.005 and 1996 c 221 § 1;
- (2) RCW 2.70.010 and 1996 c 221 § 2;
- (3) RCW 2.70.020 and 1996 c 221 § 3;
- (4) RCW 2.70.030 and 1996 c 221 § 4; and
- (5) RCW 2.70.040 and 1996 c 221 § 5.

[1998 c 108 § 3; 1996 c 221 § 8.]

**Guidance in the Code Reviser's Bill Drafting Guide:**

See Part II Formal and Technical Requisites

(9) Repealers

(10) Suggestions for Commonly Used Clauses

(l) Expiration date clauses

(y) Sunset and termination clauses